

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
ELIZABETH TROIANI, <i>individually and</i>)	
<i>on behalf of her minor son</i> PAUL -)	
ANTHONY HART,)	
Plaintiffs)	
)	
v.)	C.A. No. 04-10639-NMG
)	
CITY OF SOMERVILLE, CHIEF)	
DONALD CALIGURI, CAPT.)	
DANIEL MATTHEWS, SGT. JOHN)	
AUFIERO, DET. DANIEL F. REGO,)	
OFFICERS JAMES McNALLY,)	
ANTHONY MANZELLI, and THOMAS)	
LEYNE and JOHN DOE(S),)	
Defendants)	
_____)	

AFFIDAVIT OF ATTORNEY PETER M. BROWN

1. My name is Peter M. Brown. I am an attorney licensed to practice law in the Commonwealth of Massachusetts. I am counsel of record for one of the defendants, Sgt. John Aufiero, in the above-captioned case.
2. A settlement was reached in this matter and a written Settlement Agreement was prepared and signed. As a litigant in the matter, Sgt. Aufiero signed the Settlement Agreement.
3. The Agreement provided in part that the City of Somerville was to pay the plaintiff an amount of money by a certain date.
4. The Agreement does not contain any obligations on the part of Sgt. Aufiero other than his assent to it a party-litigant.

5. It appears from the motion and documents filed in support of the Emergency Motion herein, that the city of Somerville has failed to timely make certain payments as provided in the Settlement Agreement.
6. Nowhere is it claimed, and it is not alleged, that Sgt. Aufiero is responsible for the payment of any money to the plaintiff.
7. It is not claimed that Sgt. Aufiero in any way breached the Settlement Agreement.
8. Sgt. Aufiero's presence at the Emergency Motion therefore, is not required for the resolution of the matters claimed.
9. I have a long scheduled vacation that includes non-cancelable reservations and travel. I will be out of the country from March 23, 2006 through April 6, 2006.
10. I do not believe that my not being at the hearing on behalf of Sgt. Aufiero will, in any way, impede the court's hearing the Emergency Motion or prevent it from making a resolution of the issues raised.

Signed subject to the penalties of perjury on this 2nd day of March 2006.

/s/ Peter M. Brown
Peter M. Brown, BBO #563734